

**Department of  
Conservation and  
Development**

**Contra  
Costa  
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Central Valley Regional Water Quality Control Board

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Attention: Glenn Meeks

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**Subject: Amendments to the WQCPs for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin to incorporate a Central Valley-wide Salt and Nitrate Control Program**

Dear Regional Board members:

Contra Costa County (County) appreciates this opportunity to comment on the Draft Staff Report for amendments to the Water Quality Control Plans (WQCP) for the Sacramento River and San Joaquin River Basins and the Tulare Lake Basin (Basin Plans) to incorporate a Central Valley-wide Salt and Nitrate Control Program.

Contra Costa County covers a large area within the Delta. The County borders on Old River to the east and Suisun and San Pablo Bays in the north. The County is the ninth most populous county in California, with more than one million residents. Many of our residents rely on the Delta for their municipal, industrial and irrigation water supplies, for their livelihood, and recreation. The quality of Delta water is, therefore, a major interest for the County and its residents.

Contra Costa County has reviewed the May 4, 2018 comment letter regarding the Basin Plan Amendments submitted by Contra Costa Water District (CCWD) and Alameda County Flood Control & Water Conservation District, Zone 7 (Zone 7). The County supports the important issues raised in CCWD and Zone 7's May 4 letter.

The County supports seeking a long-term solution to address the salt and nitrate water quality concerns in the Central Valley. However, the proposed Basin Plan Amendments are not protective of downstream water quality in the Delta and fail to comply with State policy for the Delta with respect to the 2009 Delta Reform Act. The proposed amendments would allow the current degradation of Delta water, due to contaminated discharges into the upstream tributaries, to continue for at least 15 more years.

Contra Costa County has the following specific comments on the Basin Plan amendments:

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**Executive Summary**

The March 2018 Draft Staff Report states that the Central Valley-wide Salt and Nitrate Management Plan (SNMP) was developed to achieve the following management goals:

- Sustain the Valley's lifestyle
- Support regional economic growth
- Retain a world-class agricultural economy
- Maintain a reliable, high-quality water supply
- Protect and enhance the environment

The Draft Staff Report is inadequate because it fails to include the management goals (and State Policy) of restoring and sustaining the Delta ecosystem, and improving water quality in the Delta. Because the San Joaquin and Sacramento Rivers flow directly into the Delta, the amendments must also contribute to achievement of the co-equal goals established in the 2009 Delta Reform Act of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem, as well as protecting and enhancing the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (Cal. Water Code §85054.)

The Draft Staff Report also fails to achieve the 2009 Delta Reform Act's inherent objective of improving water quality to protect human health and the environment consistent with achieving water quality objectives in the Delta. (Cal. Water Code §85020(e).)

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The Draft Staff Report finds that water quality is good in the Delta region. This is not correct with respect to salinity. Historical increases in exports from the Delta have reduced the Delta outflow needed to combat seawater intrusion, especially in the fall. As a result, salinities (in terms of total dissolved solids, chloride, and bromide) have increased which in turn has increased the potential to increase the production of harmful disinfection byproducts when Delta water is treated for drinking water purposes. Increased salinities also impact the Delta ecosystem (e.g., in terms of increased X2, an indicator of ecosystem habitat in Suisun Bay and the Delta).

The Draft Staff Report focuses on the symptoms of the increased export of salt to the San Joaquin Valley and corresponding significant impacts on groundwater quality, crop production, the quality of waste water discharges, and salt build up. However, these symptoms would be greatly reduced if the Regional Board and State Water Resources Control Board focused on contributing to a cure for the salinity problem. This would involve regulations or encouragement of projects that reduce salinities in the Delta and reduce the salinity of the water exported from the Delta to the Valley.

California needs a long-term solution to the problems of the Delta which should include actions to reduce reliance on the Delta for export water supply and the ability to capture “new” water during months of high Delta outflow (“Big Gulp”) and reduce diversions from the Delta when flows are low and the Delta ecosystem is most vulnerable (“Little Sip”). The current Bay-Delta export system is unable to consistently achieve a “Big Gulp” because exports often reduce once San Luis Reservoir is full. Once San Luis Reservoir is full there is nowhere to rapidly store water exported out of the Delta and urban and irrigation demand for export water is greatly reduced during wet periods.

A recent example of this is the significant reduction in exports during the very wet winter of 2017. This was not a problem that can be fixed with new Delta conveyance. There is a need for increased storage in the south-of-Delta export areas to enable enough “new” water to be captured during wet months and allow reduced reliance on the Delta for exports during dry months, especially in the fall.

A long term, sustainable, solution, for the Delta would reduce exports from the Delta during dry periods. This in turn would increase Delta outflows and reduce the salinity of water in the Delta. This would reduce the tonnage of salt exported south into the San Joaquin Valley and subsequently improve wastewater discharge and agricultural drainage salinities.

#### **Page 13, Table ES-1**

The Draft Staff Report recommends that Phase I of the Salinity Control Program should be a Salinity Prioritization and Optimization Study (P&O Study) to convert current conceptual management projects into feasibility studies. While this P&O Study will be useful, it does not justify extending the current deadline of June 30, 2019, after which the Central Valley Water Board is prohibited from approving any salinity variances.

The Regional Board should not continue to “kick the can down the road” by extending the Salinity Variance Program for an additional 15 years.

Following the example of the continual reduction of salt (and selenium) load limits in the Grassland Bypass Program Use Agreements, the cap on discharge salinities could be initially set at an EC of 1,600  $\mu\text{S}/\text{cm}$  and reduce to 900  $\mu\text{S}/\text{cm}$  over a limited amount of time and then be further reduced to 700  $\mu\text{S}/\text{cm}$  (consistent with the State Water Resources Control Board’s Water Rights Decision 1641 water quality standard for the San Joaquin River at Vernalis of 700  $\mu\text{S}/\text{cm}$ , April-August.)

This so-called “glide path” for reducing salt loads over time has been successfully achieved by the Grassland Bypass Program and could be applied to other discharges throughout the Central Valley. Other discharges need not reduce completely to zero, as in the case of the Grassland Bypass Project, but should be reduced enough to protect water quality for downstream urban and agricultural water agencies and the Bay-Delta ecosystem.

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The Draft Staff Report recommends the U.S. Federal Legislature should establish the Central Valley Salinity Act to develop a Central Valley Salinity Control Program and authorize the construction, operation, and maintenance of certain works in the San Joaquin and Tulare Lake Hydrologic Regions in the Central Valley to control the salinity of water delivered to users in the Central Valley and the State.

As part of a proposed settlement of a lawsuit regarding agricultural drainage from the San Luis Unit of the Central Valley Project, the U.S. Bureau of Reclamation (Reclamation) is trying to extract itself from any obligation to provide drainage facilities on the west side of the San Joaquin Valley, and associated liabilities. It is not realistic to expect Reclamation to support new legislation that would establish new federal drainage facility obligations.

However, Reclamation should be encouraged to work together with State agencies, including the Department of Water Resources, to develop a sustainable Delta solution to restore the Delta ecosystem while improving water supply reliability and improving water quality in the Delta. As discussed with respect to Page 10 of the Draft Staff Report, a joint storage-conveyance-water conservation project that allows more water to be captured for export in wet months and less exports in dry months (true Big Gulp, Little Sip operations) would reduce the salt load exported from the Delta to the San Joaquin Valley and thereby reduce the current build up of salinity in the valley.

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The discussion of Consistency with State Water Board Policies (Section 6.2) and State Water Board Resolution 68-16 contains no finding of whether the Basin Plan Amendments are actually consistent with this State Antidegradation Policy. Instead there is a reference back to Section 5. That section merely describes Resolution 68-16 but provides no findings.

The Draft Basin Amendments are not consistent with the State's antidegradation statutes. The proposed amendments are also not consistent with maximum benefit to the people of the State of California because they contribute to continued degradation of water quality in the Delta, the source of drinking water for more than 23 million Californians.

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**7.1.7 Statement of Overriding Consideration**

The County disagrees with the Regional Board's finding that the substantial and significant benefits of adopting the proposed Basin Plan Amendments outweigh the unavoidable potentially significant adverse environmental impacts that could occur as a result of the adoption of the proposed Basin Plan Amendments. Delaying implementation of protective discharge limits for salinity by 15 years and allowing discharges at salinities above the State Water Resources Control Board's Municipal and Industrial (M&I) water quality standards for the Delta will result in significant impacts to the drinking water quality of a significant number of Californians.

The SWRCB's M&I daily chloride standard of 250 mg/L chloride applies for every day of the year and is equivalent to an EC of about 1,053 uS/cm in the Delta. The proposed effluent limits of 1,600 uS/cm and 2,200 uS/cm as a 30-day running average both exceed this important Delta water quality standard.

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**Environmental Checklist**

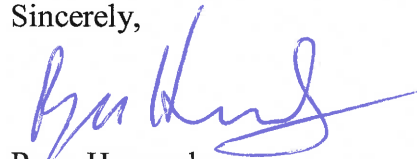
The Draft Staff Report states: "Though the Salinity Control Program will likely have the indirect effect of allowing limited surface water degradation to occur, water quality degradation would be minimized through the application of variance criteria. Therefore, the impact to surface water quality degradation as result of implementation of Phase I of the Salinity Management Strategy would be expected to be less than significant."

Is the Regional Board suggesting that because the effluent limits will remain high, or will be waived, for another 15 years, the quality of water is not considered degraded relative to these less protective effluent limits?

San Joaquin River water quality is currently degraded and serious action to reduce effluent loadings, and reduce that degradation, should not be postponed for another 15 years.

Thank you for considering Contra Costa County's comments on the Draft Staff Report for Basin Plan Amendments to incorporate a Central Valley-wide Salt and Nitrate Control Program. County staff and consultants are available to answer any questions you may have and to provide further input on these important issues. Please contact me at (925) 674-7824, or Richard Denton, our Water Resources consultant, at (510) 339-3618.

Sincerely,



Ryan Hernandez  
Manager  
Contra Costa County Water Agency

cc: Board of Supervisors  
John Kopchik, Director, Department of Conservation and Development  
Maureen Toms, Conservation Planning Deputy Director

